



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 1004

2 AMENDMENT NO. _____. Amend House Bill 1004 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Electricians Licensing Act.

6 Section 5. Purpose and policy. The General Assembly finds
7 that the use of improper electrical materials and the improper
8 installation of electrical materials, including but not
9 limited to wiring, affects the safety, health, and well-being
10 of the public. The use of improper electrical materials and the
11 improper installation of electrical materials can result in
12 disastrous or deadly consequences to the public's safety and
13 health and the destruction or damage of property. In fulfilling
14 its responsibility to safeguard the safety and health of
15 persons and their property, the General Assembly finds that it
16 is necessary to establish certain minimum standards regarding
17 the use of electrical materials and to further establish
18 certain minimum standards regarding the knowledge, skills, and
19 experience of persons who plan, inspect, install, alter,
20 extend, and repair electrical materials and systems. This Act
21 provides for the licensing of electricians and electrical
22 contractors and for the adoption of a Minimum Electrical Code
23 by the Department. This Act is therefore declared to be
24 essential to the public interest.

1 Section 10. Definitions. As used in this Act:

2 "Apprentice" means a natural person enrolled in an
3 apprenticeship program approved by the United States
4 Department of Labor Bureau of Apprenticeship and Training who
5 installs, alters, or repairs electrical wiring, apparatus, and
6 equipment for electric heat, light, or power within or on a
7 building, residence, structure, or real property under the
8 supervision of a licensed electrician.

9 "Approved apprenticeship program" means an apprenticeship
10 program approved by the United States Department of Labor
11 Bureau of Apprenticeship and Training.

12 "Board" means the Illinois State Board of Electrical
13 Examiners.

14 "Department" means the Department of Public Health.

15 "Director" means the Director of Public Health.

16 "Electrical contractor" means a natural or legal person or
17 any association thereof operating a business that undertakes or
18 offers to undertake to plan for, lay out, supervise, or install
19 or to make additions, alterations, or repairs in the
20 installation of electrical wiring, apparatus, and equipment
21 for electric light, heat, or power within or on a building,
22 residence, structure, or real property with or without
23 compensation and who is licensed to engage in electrical
24 contracting as an electrical contractor by the Department of
25 Public Health. An electrical contractor's license does not of
26 itself qualify its holder to perform the electrical work
27 authorized by holding any class of electrician's license.

28 "Electrical work" means the installation, alteration, or
29 repair of electrical wiring, apparatus, and equipment for
30 electric heat, light, or power within or on a building,
31 residence, structure, or real property and the planning, laying
32 out, or supervision of the installation, alteration, or repair
33 of electrical wiring, apparatus, and equipment for electric

1 heat, light, or power within or on a building, residence,
2 structure, or real property.

3 "Farm" means land or a building, including but not limited
4 to barns, livestock facilities, residences, grain storage
5 facilities, and machine sheds, appurtenant to land that is used
6 for production agriculture or for a purpose accessory to
7 production agriculture.

8 "Governmental unit" means the State, a school district, or
9 a community college district or a unit of local government as
10 defined in Article VII of the Illinois Constitution.

11 "Journeyman electrician" means a natural person having the
12 necessary qualifications, training, experience, and technical
13 knowledge to install, alter, and repair electrical wiring,
14 apparatus, and equipment for electric light, heat, or power
15 within or on a building, residence, structure, or real property
16 who is licensed as a journeyman electrician by the Department.

17 "Maintenance worker" means a natural person who is a
18 regular, bona fide employee or agent of a property owner,
19 property lessor, property management company, or firm that is
20 not in the electrical business, but has possession or control
21 over the property where the routine maintenance of electrical
22 systems is being performed.

23 "Owner" means a natural person who physically performs
24 electrical work on:

25 (i) premises owned by the person and in which the
26 person actually resides as a single-family residence; or

27 (ii) premises owned by the person and in which the
28 person will reside as a single-family residence upon
29 completion of construction.

30 "Person" means any natural or legal person or any
31 association thereof.

32 "Production agriculture" has the same meaning as defined in
33 Section 3-35 of the Service Use Tax Act.

34 "Residential electrical work" means the installation,

1 alteration, or repair of electrical wiring, apparatus, or
2 equipment and the planning, laying out, or supervision of the
3 installation, alteration, or repair of electrical wiring,
4 apparatus, and equipment for electrical heat, light, or power
5 in a single-family detached residential dwelling or a
6 multi-family residential dwelling not exceeding 8 units per
7 building.

8 "Residential electrician" means a natural person having
9 the necessary qualifications, training, experience, and
10 technical knowledge to install, alter, or repair electrical
11 wiring, apparatus, and equipment for electrical heat, light, or
12 power in a single-family detached residential dwelling or a
13 multi-family residential dwelling not exceeding 8 units per
14 building and who is licensed as a residential electrician by
15 the Department.

16 "Routine maintenance of electrical systems" means the
17 routine and periodic servicing of electrical systems,
18 including cleaning, inspecting, and making adjustments to
19 ensure the proper operation and the removal or replacement of
20 component parts. "Routine maintenance of electrical systems"
21 does not include the installation of complete electrical
22 systems.

23 "Supervision" means that any new electrical work done by a
24 registered apprentice electrician must be inspected at least
25 once after initial rough-in and once upon completion by an
26 Illinois licensed electrician. In addition, all renovation,
27 alteration, repair, extension, and modification work done by a
28 registered apprentice electrician on an existing electrical
29 system must be approved by an Illinois licensed electrician.

30 Section 15. Board of Electrical Examiners.

31 (a) There is created the Illinois State Board of Electrical
32 Examiners which shall exercise its duties provided in this Act
33 under the supervision of the Department of Public Health. The

1 Board shall consist of 13 members appointed by the Governor.
2 The Board shall be composed of 3 licensed journeyman
3 electricians, one licensed residential electrician, 2 licensed
4 electrical contractors who are members of the National
5 Electrical Contractors Association, one licensed electrical
6 contractor who is a member of the Independent Electrical
7 Contractors, one licensed electrical contractor who is a member
8 of the Associated Builders and Contractors, one licensed
9 electrical engineer, one electrical inspector who holds a
10 journeyman electrician's license, one representative of a
11 public utility, the State Fire Marshal or his or her designee,
12 and a licensed real estate professional. In making the
13 appointments to the Board, the Governor shall consider the
14 recommendations of individuals, firms, or organizations
15 involved in electrical wiring installation in this State. The
16 Governor shall also take into consideration the minority
17 representation in the population when making appointments to
18 the Board. Members of the Board shall serve 4-year terms and
19 until their successors are appointed and qualified. The initial
20 appointments, however, shall be as follows: 4 members for terms
21 of 2 years, 4 members for 3 years, and 4 members for 4 years.
22 The State Fire Marshal's service on the Board shall be
23 continuous. For the initial appointments of the licensed
24 electrical contractors, licensed journeyman electricians,
25 licensed residential electrician, and electrical inspector
26 prior to the Board developing the rules for examination of
27 license applicants, the Governor may appoint individuals whose
28 qualifications are similar to those outlined in Section 25.
29 Following the expiration of those terms, the Governor may
30 reappoint those individuals or others only if such individuals
31 are licensed under this Act.

32 (b) The Board shall aid the Director and the Department by:
33 (1) recommending provisions for the Minimum Electrical
34 Code and subsequent amendments to be adopted by the

1 Department for all electrical work based on the standards
2 prescribed in Section 85;

3 (2) recommending subject matter for examinations and
4 the continuing education requirements as provided in this
5 Act based on the Minimum Electrical Code;

6 (3) recommending standards, rules, guidelines, and
7 procedures to approve or disapprove a course of instruction
8 in electrical work at a college, university, or trade
9 school to qualify for a license issued by the Department
10 under this Act. Such standards, rules, guidelines, and
11 procedures shall be designed to ensure that an approved
12 course of instruction adequately provides the practical
13 and theoretical education and training in the
14 installation, alteration, and repair of electrical wiring,
15 apparatus, and equipment for electric heat, light, or power
16 within or on a building, residence, structure, or real
17 property based on the standards prescribed in Section 85;

18 (4) developing, in conjunction with the Illinois
19 Community College Board, the Illinois Board of Higher
20 Education, and the Department of Commerce and Economic
21 Opportunity, courses of instruction to meet the
22 qualifications specified in this Act and that encourage the
23 employment of minorities and females as licensed
24 electricians and licensed electrical contractors;

25 (5) suggesting rules to govern examinations and
26 hearings to deny, suspend, revoke, or reinstate licenses
27 and assess fines as provided for in this Act;

28 (6) submitting recommendations to the Director from
29 time to time for the efficient administration of this Act;
30 and

31 (7) performing other duties prescribed in this Act.

32 (c) Board members shall receive no compensation but shall
33 be reimbursed for expenses incurred in connection with their
34 duties as Board members. The Department shall provide staff and

1 administrative support services to the Board.

2 Section 20. Powers and duties of the Director. The Director
3 shall take all actions necessary under this Act to carry out
4 the duties and responsibilities of the Department under this
5 Act. The Director, with the assistance of the Board, shall:

6 (a) adopt rules and regulations for examination of
7 applicants for journeyman and residential licenses;

8 (b) prepare and give uniform examinations to
9 applicants for journeyman and residential licenses that
10 shall test their knowledge and qualifications in the
11 planning and design of electrical systems, their
12 knowledge, qualifications, and manual skills in electrical
13 installations, and their knowledge of materials and
14 methods used in electrical work according to the Minimum
15 Electrical Code adopted by the Department;

16 (c) prepare and issue electrical contractor,
17 journeyman electrician, and residential electrician
18 licenses and license renewals to applicants who have met
19 the requirements for licensure and complied with all the
20 prerequisites to licensure;

21 (d) provide for the registration of apprentices;

22 (e) adopt rules for the extension of a person's
23 temporary license based on demonstrated undue hardship or
24 other special circumstances;

25 (f) adopt rules for hearings to deny, suspend, revoke,
26 or reinstate licenses and assess fines as provided for in
27 this Act;

28 (g) maintain a current record showing (i) the names and
29 addresses of licensed electrical contractors, journeyman
30 electricians, and residential electricians; (ii) the dates
31 of issuance of licenses; (iii) the date and substance for
32 the charges set forth in any hearing for denial,
33 suspension, or revocation of any license; (iv) the date and

1 substance of the final order issued upon a hearing; and (v)
2 the date and substance of all petitions for reinstatement
3 of license and final orders on petitions;

4 (h) establish and collect fees for the examination,
5 issuance, and renewal of licenses;

6 (i) adopt rules for and provide for the inspection of
7 new electrical installations in construction, remodeling,
8 replacement, or repair work, where required by this Act;

9 (j) establish and collect fees for the handling and
10 inspection of new electrical installations;

11 (k) adopt standards, rules, guidelines, and procedures
12 to approve or disapprove a course of instruction in
13 electrical work at a college, university, or trade school
14 to qualify for a license issued by the Department under
15 this Act, and approve or disapprove such courses of
16 instruction by reference to compliance or noncompliance
17 with such standards, rules, guidelines, or procedures.
18 Such standards, rules, guidelines, or procedures shall be
19 designed to ensure that an approved course of instruction
20 adequately provides the practical and theoretical
21 education and training in the installation, alteration,
22 and repair of electrical wiring, apparatus, and equipment
23 for electric heat, light, or power within or on a building,
24 residence, structure, or real property based on the
25 standards prescribed in Section 85;

26 (l) work with the Board, the Illinois Community College
27 Board, the Illinois Board of Higher Education, and the
28 Department of Commerce and Economic Opportunity to develop
29 courses of instruction to meet the qualifications
30 specified in this Act and that encourage the employment of
31 minorities and females as licensed electricians and
32 licensed electrical contractors;

33 (m) cause investigations to be made when the Department
34 has reasonable grounds for believing that a violation of

1 any provision of this Act or rules adopted pursuant to this
2 Act has occurred or is occurring;

3 (n) conduct inspections during regular working hours,
4 the purpose of which shall be reduced to writing, to
5 determine satisfactory compliance with this Act and rules
6 adopted pursuant to this Act, after consent of the person,
7 licensee, or registrant has been obtained or after an order
8 for such inspection has been issued by the court;

9 (o) assess administrative fines, which shall be
10 established by the Department by rule against a licensee
11 for violation of any provision of this Act or rules adopted
12 pursuant to this Act;

13 (p) adopt, publish, and from time to time, amend the
14 Minimum Electrical Code for all electrical work based on
15 the standards prescribed in Section 85 after consideration
16 of the recommendations of the Illinois State Board of
17 Electrical Examiners;

18 (q) adopt any rules necessary for the administration
19 and enforcement of this Act; and

20 (r) perform other duties prescribed in this Act.

21 Section 25. License and registration.

22 (a) On or after January 1, 2007, except as otherwise
23 provided by this Act, no person shall perform electrical work
24 unless the person is:

25 (1) licensed by the Department as a journeyman or
26 residential electrician;

27 (2) an apprentice registered with the Department; or

28 (3) licensed as an electrical contractor.

29 (b) Journeyman electrician. An applicant for a journeyman
30 electrician's license shall meet one of the following
31 conditions: (i) the completion of an approved apprenticeship
32 program, (ii) the successful completion of a course of
33 instruction in electrical work, under the rules adopted by the

1 Department for the enforcement of this Act, at a college,
2 university, or trade school, or (iii) the completion of at
3 least 8,000 hours of verifiable experience performing
4 electrical work obtained over a period of not less than 4
5 years, as provided under the rules adopted by the Department
6 for the enforcement of this Act.

7 A person practicing as an electrician on the effective date
8 of this Act with 8,000 hours of verifiable experience
9 performing electrical work obtained over a period of not less
10 than 4 years, as provided under the rules adopted by the
11 Department for the enforcement of this Act, who files a license
12 application with the Department on or before July 1, 2007 and
13 meets all the other requirements of this Act shall be granted a
14 temporary journeyman electrician's license without
15 examination. The temporary journeyman electrician's license
16 shall be valid for 2 years from the date of issuance. The
17 Department shall require an annual fee. As a condition of
18 renewal, the licensee shall pass the examination specified in
19 Section 30 for all journeyman electrician applicants but shall
20 not be required to meet the specified continuing education
21 requirements while holding a temporary journeyman
22 electrician's license. Nothing shall prevent the holder of a
23 temporary license from taking the required examination prior to
24 the expiration of the temporary license. A journeyman
25 electrician holding a temporary license may petition the
26 Department for an extension of a one-year period in the event
27 he or she can demonstrate undue hardship or other special
28 circumstances.

29 (c) Registered apprentice. On or after January 1, 2007, a
30 person who is enrolled in an approved apprenticeship program
31 may perform electrical work only under the supervision of a
32 licensed electrician. All apprentices shall be registered with
33 the Department. The Department shall provide the apprentice
34 with a verification of his or her registration.

1 (d) Residential electrician. An applicant for a
2 residential electrician's license shall meet one of the
3 following conditions: (i) the completion of an approved
4 apprenticeship program in residential wiring for a
5 single-family detached residential dwelling or multi-family
6 residential dwelling or its equivalent, (ii) the successful
7 completion of a course of instruction in electrical work, under
8 the rules adopted by the Department for the enforcement of this
9 Act, at a college, university, or trade school, or (iii) the
10 completion of at least 6,000 hours of verifiable experience
11 performing residential electrical work obtained over a period
12 of not less than 3 years, as provided under the rules adopted
13 by the Department for the enforcement of this Act.

14 A person practicing as an electrician on the effective date
15 of this Act with at least 6,000 hours of verifiable experience
16 performing residential electrical work obtained over a period
17 of not less than 3 years, as provided under the rules adopted
18 by the Department for the enforcement of this Act, and having
19 the necessary qualifications, training, and technical
20 knowledge, as provided under the rules adopted for the
21 enforcement of this Act, involving residential electrical
22 work, who files a license application with the Department on or
23 before January 1, 2007 and meets all the other requirements of
24 this Act shall be granted a temporary residential electrician's
25 license without examination. The temporary residential
26 electrician's license shall be valid for 2 years from the date
27 of issuance. The Department shall require an annual fee. As a
28 condition of renewal, the licensee shall pass the exam
29 specified in Section 30 for all residential electrician
30 applicants but shall not be required to meet the specified
31 continuing education requirements while holding a temporary
32 residential electrician's license. Nothing shall prevent the
33 holder of a temporary license from taking the required
34 examination prior to the expiration of the temporary license. A

1 residential electrician holding a temporary license may
2 petition the Department for an extension of a one-year period
3 in the event he or she can demonstrate undue hardship or other
4 special circumstances.

5 (e) Contractors.

6 (1) On or after January 1, 2007, except as otherwise
7 provided by law, no person shall operate as an electrical
8 contractor without employing a licensed journeyman
9 electrician with 6 years of experience performing
10 electrical work, who shall be responsible for the
11 performance of all electrical work in accordance with this
12 Act. All employees of the electrical contractor performing
13 electrical work shall be licensed journeyman electricians,
14 licensed residential electricians, or apprentices
15 registered with the Department. A residential electrician
16 employed by such an electrical contractor may not perform
17 any non-residential electrical work. This item (1) shall
18 not apply to electrical contractors performing only
19 residential electrical work.

20 (2) On or after January 1, 2007, except as otherwise
21 provided by law, no person performing only residential
22 electrical work shall operate as an electrical contractor
23 without employing a licensed residential electrician with
24 4 years of experience performing residential electrical
25 work, who shall be responsible for the performance of all
26 electrical work in accordance with this Act. All employees
27 of an electrical contractor performing only residential
28 electrical work shall be licensed journeyman electricians,
29 licensed residential electricians, or apprentices
30 registered with the Department.

31 (3) The application for an electrical contractor's
32 license shall include a verified statement that the
33 designated responsible electrician is a full-time employee
34 of the applicant. For the purposes of this Section, a

1 full-time employee of a applicant for an electrical
2 contractor's license is an individual who is not employed
3 in any capacity as a licensed electrician by any other
4 electrical contractor.

5 (4) An electrical contractor in business on the
6 effective date of this Act who files a license application
7 with the Department on or before January 1, 2007 and meets
8 all the other requirements of this Act shall be granted a
9 temporary electrical contractors license pursuant to other
10 provisions of this Act, which shall be valid for 2 years
11 from the date of issuance. The Department shall require an
12 annual fee. Thereafter, an electrical contractor shall
13 comply with all of the requirements of this Act. An
14 electrical contractor holding a temporary license may
15 petition the Department for an extension of a one-year
16 period in the event he or she can demonstrate undue
17 hardship or other special circumstances. An electrical
18 contractor holding a temporary license must employ a
19 licensed journeyman electrician or, in the case of an
20 electrical contractor performing only residential
21 electrical work, a licensed residential electrician who
22 shall be responsible for the performance of all electrical
23 work in accordance with this Act.

24 (5) An electrical contractor giving bond to the State
25 in an amount to be determined by the Department and meeting
26 all other requirements of this Act shall be issued a
27 license by the Department. The bond shall be filed with
28 the Department and shall be in lieu of all other license
29 bonds to any political subdivision. The bond shall be
30 written by a corporate surety licensed to do business in
31 the State of Illinois.

32 (6) Each licensed electrical contractor shall have and
33 maintain in effect insurance. Specific insurance
34 requirements and minimum limits per occurrence shall be

1 determined by the Department in consultation with the
2 Board. The insurance shall be written by an insurer
3 licensed to do business in the State of Illinois and each
4 licensed electrical contractor shall maintain on file with
5 the Department a certificate evidencing insurance that
6 provides that the insurance shall not be cancelled without
7 the insurer first giving 15 days written notice to the
8 Department of the cancellation.

9 (7) A licensed electrical contractor shall notify the
10 Department when the licensed electrician required to
11 conduct or supervise the work of the electrical contractor
12 is unavailable due to death or incapacitation. The licensed
13 electrical contractor may request that the Department
14 issue a temporary license to persons certified by the
15 licensed electrical contractor to have an acceptable
16 combination of documented experience and education to
17 conduct or supervise electrical work or residential
18 electrical work. The Department shall adopt rules for
19 issuing a temporary license under such circumstances. Any
20 person certified by a licensed electrical contractor to
21 have an acceptable combination of documented experience
22 and education to conduct or supervise electrical work or
23 residential electrical work shall immediately seek a
24 temporary license from the Department and shall pay such
25 fee as the Department shall determine. Each temporary
26 license shall recite that it is valid for a period of 30
27 days from the date of issuance and while employed by the
28 licensed electrical contractor that certified the
29 individual was qualified. The temporary license shall be
30 renewable as long as the shortage of license holders shall
31 continue.

32 (f) The Department shall adopt rules for determining
33 whether an applicant's work experience meets the requirements
34 for licensure under this Act.

1 Section 30. Examination; continuing education.

2 (a) In addition to other requirements imposed by this Act
3 and except as otherwise provided in this Act, as a precondition
4 to issuance of an electrician's license, each applicant must
5 pass a written examination given by the Department for the type
6 of license sought to insure the competence of each license
7 applicant. No person failing an examination for a license
8 classification may retake the examination for that
9 classification for 3 months from the date of failure of the
10 examination.

11 (b) As a condition of renewal, the Department shall require
12 each licensee to complete a minimum number of hours of
13 continuing education. The continuing education requirement
14 shall not exceed 8 hours of classroom instruction during a
15 12-month period. The Department shall adopt rules on the
16 curricula for the continuing education requirement. A licensee
17 shall provide to the Department evidence of completing the
18 continuing education requirement. The Department shall approve
19 any continuing education programs and by rule any means for
20 verification of the continuing education requirement.

21 Section 40. Expiration of license; fees.

22 (a) Unless otherwise specified in this Act, all licenses
23 issued under this Act shall expire every year in a manner as
24 provided by the Department. Application, renewal, and all other
25 fees provided for in this Act shall be adopted by the
26 Department by rule.

27 (b) Any licensee failing to renew his or her license for 2
28 years or more after its expiration shall retake the required
29 examination specified in Section 30 before he or she is issued
30 a new license.

31 (c) The Department shall reinstate a license that expires
32 while a licensee is in active military service of the United

1 States upon application to the Department by the licensee
2 within 2 years after termination of the military service,
3 payment of the annual license fee, and submission of evidence
4 of the military service. The license shall be reinstated
5 without examination or completion of the continuing education
6 requirement specified in Section 30 and without payment of the
7 lapsed renewal fee.

8 (d) All fees and fines collected under this Act shall be
9 deposited into the Electricians Licensing Dedicated Fund,
10 which is hereby created as a special fund in the State
11 treasury. The Department and Board may utilize moneys in this
12 fund for the administration of this Act.

13 Section 45. Grounds for discipline. The Department may by
14 order deny, suspend, revoke, or refuse to renew a license, or
15 may censure a licensee if it finds that it is in the public
16 interest to do so and that the applicant or licensee:

17 (1) has filed an application for a license that
18 contains any statement that, in light of the circumstances
19 under which it is made, is false or misleading with respect
20 to any material fact;

21 (2) has engaged in any fraudulent, deceptive, or
22 dishonest practice;

23 (3) has been convicted within the past 5 years of a
24 misdemeanor involving a violation of this Act; or

25 (4) has violated or failed to comply with this Act or
26 its rules or any order issued under this Act. A violation
27 need not be willful.

28 The Department may adopt rules further specifying the
29 grounds for suspension, revocation, and refusal to renew a
30 license and establishing standards of conduct for licensees.

31 Section 50. Denial, revocation, or suspension of license;
32 assessment of a civil administrative fine.

1 (a) The Director, after notice and opportunity for hearing
2 to the applicant or license holder, may deny, suspend, or
3 revoke a license or assess a civil administrative fine for
4 cause. For the purposes of this Section, "cause" means a
5 violation of any provision of this Act or any rule adopted
6 pursuant to this Act.

7 (b) Notice shall be provided by certified mail or by
8 personal service setting forth the particular reasons for the
9 proposed action and fixing a date, not less than 15 days from
10 the date of the mailing or service, within which time the
11 applicant or license holder must request in writing a hearing.
12 Failure to serve upon the Department a request for hearing in
13 writing within the time provided in the notice shall constitute
14 a waiver of the person's right to an administrative hearing.

15 (c) The hearing shall be conducted by the Director or by an
16 individual designated in writing by the Director as an
17 administrative law judge to conduct the hearing. The Director
18 or administrative law judge shall give written notice of the
19 time and place of the hearing, by certified mail or personal
20 service, to the applicant or license holder at least 10 days
21 prior to the hearing. On the basis of the hearing, or upon
22 default of the applicant or license holder, the Director shall
23 make a determination specifying his or her findings and
24 conclusions. A copy of the determination shall be sent by
25 certified mail or served personally upon the applicant, license
26 holder, or registrant. The decision of the Director shall be
27 final on issues of fact and final in all respects unless
28 judicial review is sought as provided in this Act.

29 (d) The procedure governing hearings authorized by this
30 Section shall be in accordance with rules adopted by the
31 Department. A full and complete record shall be kept of all
32 proceedings, including the notice of hearing, complaint, and
33 all other documents in the nature of pleadings, written motions
34 filed in the proceedings, and the report and orders of the

1 Director and administrative law judge.

2 (e) The Department at its expense shall provide a court
3 reporter to take testimony. Technical error in the proceedings
4 before the Director or administrative law judge or their
5 failure to observe the technical rules of evidence shall not be
6 grounds for the reversal of any administrative decision, unless
7 it appears to the court that such error or failure materially
8 affects the rights of any party and results in substantial
9 injustice to them.

10 (f) The Director or administrative law judge may compel the
11 attendance of witnesses and the production of books, papers,
12 records, or memoranda.

13 (g) The Department shall not be required to certify any
14 record to the court or file any answer in court or otherwise
15 appear in any court in a judicial review proceeding, unless
16 there is filed in the court with the complaint a receipt from
17 the Department acknowledging payment of the costs of furnishing
18 and certifying the record. Such costs shall be paid by the
19 party requesting a copy of the record. Failure on the part of
20 the person requesting a copy of the record to pay the costs
21 shall be grounds for dismissal of the action.

22 Section 55. Nonpayment of taxes. The Department may refuse
23 to issue or may suspend the license of any person who fails (i)
24 to file a federal or State tax return, (ii) to pay the tax,
25 penalty, or interest shown in a filed return, or (iii) to pay
26 any final assessment of tax, penalty, or interest, as required
27 by any tax Act administered by the Illinois Department of
28 Revenue, until the time the requirements of the tax Act are
29 satisfied.

30 Section 65. Reciprocity. The Department may grant a
31 license, without examination, of the same grade and class to an
32 electrician who has been licensed by any other state that

1 provides for the licensing of electricians in a similar manner.
2 The license may be granted for one year upon payment by the
3 applicant of the required fee and upon the Department being
4 furnished with proof that the qualifications of the applicant
5 are equal to the qualifications of Section 25 of this Act. The
6 licensee may renew a license issued pursuant to this Section if
7 the licensee meets all the requirements for renewal of a
8 license under this Act.

9 Section 70. Exemptions.

10 (a) Employees of, or independent contractors performing
11 work for, any electric utility or electric utility affiliate,
12 independent electric power generator, public utility as
13 defined in Section 3-105 of the Public Utilities Act,
14 generating station or generating unit of an electric utility as
15 described in Section 16-102 of the Public Utilities Act,
16 communications or railway utility, electric system owned and
17 operated by a municipal corporation or governmental unit
18 (notwithstanding any other provision of this Act), electric
19 cooperative as defined in Section 3.4 of the Electric Supplier
20 Act, telephone or telecommunications cooperative as defined in
21 Section 13-212 of the Public Utilities Act, or a
22 telecommunications carrier as defined in Section 13-202 of the
23 Public Utilities Act or its affiliate or co-generation
24 facilities shall be exempt from the provisions of this Act
25 while performing work on installations, materials, or
26 equipment that are owned or leased, operated, serviced, or
27 maintained by the electric utility or electric utility
28 affiliate, independent electric power generator, public
29 utility, generating station or generating unit of an electric
30 utility, communications or railway utility, electric system
31 owned and operated by a municipal corporation or governmental
32 unit, electric cooperative, telephone or telecommunications
33 cooperative, or telecommunications carrier or its affiliate or

1 co-generation facilities in the exercise of its utility or
2 telephone function, and that (i) are used exclusively for the
3 generation, transformation, distribution, transmission, or
4 metering of electric current, or the operation of railway
5 signals, traffic signals, or street lights, or the transmission
6 of intelligence and do not have as a principal function the
7 consumption or use of electric current by or for the benefit of
8 any person other than the electric utility or electric utility
9 affiliate, independent electric power generator, public
10 utility, generating station or generating unit of an electric
11 utility, communications or railway utility, electric system
12 owned and operated by a municipal corporation or governmental
13 unit, electric, telephone, or telecommunications cooperative,
14 or telecommunications carrier or its affiliate or their end
15 users and (ii) are generally accessible only to employees of
16 the electric utility or electric utility affiliate,
17 independent electric power generator, public utility,
18 generating station or generating unit of an electric utility,
19 communications or railway utility, electric system owned and
20 operated by a municipal corporation or governmental unit,
21 electric, telephone, or telecommunications cooperative, or
22 telecommunications carrier or its affiliate or persons acting
23 under its control or direction. Persons performing work
24 subcontracted out to an electrical contractor or other
25 contractors, however, shall be in compliance with the
26 requirements of this Act.

27 (b) Contractors employing pipefitters, sprinkler fitters,
28 licensed plumbers, or sheet metal workers performing
29 modification, service, maintenance, retro fit, or warranty
30 work in plumbing, heating, sprinkler fitting, irrigation,
31 ventilation, air conditioning, refrigeration (HVACR) systems,
32 instrumentation, control work, or stress relieving shall be
33 exempt from this Act. For the installation or replacement of
34 equipment in the HVACR industry, modifications to the external

1 power wiring to the equipment is exempt. The installation of
2 wiring for irrigation when being installed by a registered or
3 licensed irrigation worker shall be exempt from this Act.
4 Persons performing work subcontracted out to an electrical
5 contractor or other contractors, however, shall be in
6 compliance with the requirements of this Act.

7 (c) Employees of contractors performing construction or
8 maintenance work on any transmission or distribution lines
9 owned, leased, operated and maintained by the utilities
10 described in subsection (a) shall be exempt from the provisions
11 and licensing requirements of this Act, and employees of
12 contractors performing construction or maintenance work on any
13 transmission lines owned, leased, operated, and maintained by
14 an independent transmission company, system, or entity
15 approved by the Federal Energy Regulatory Commission and the
16 Illinois Commerce Commission shall be exempt from this Act.

17 (d) Employees of contractors performing construction or
18 maintenance work on highway lighting or street lighting owned,
19 leased, operated, and maintained by governmental units and
20 their departments and political subdivisions shall be exempt
21 from this Act.

22 (e) Employees of contractors performing construction or
23 maintenance work on traffic signals owned, leased, operated,
24 and maintained by a governmental unit and its departments and
25 political subdivisions shall be exempt from this Act, provided
26 that these employees are Traffic Signal Level II certified
27 under the International Municipal Sign Association (IMSA).

28 (f) An owner shall not be required to hold a license under
29 this Act. Nevertheless, electrical work performed by an owner
30 shall comply with the minimum standards contained in the
31 National Electrical Code and any additional standards or
32 requirements established by a political subdivision and shall
33 be subject to inspection by the Department. Unless otherwise
34 specified in this Act, an owner shall not employ anyone other

1 than an electrician licensed under this Act to assist him or
2 her.

3 (g) Any city, village, or incorporated town having a
4 population of 500,000 or more may, by an ordinance containing
5 provisions substantially the same as those in this Act and
6 specifying educational or experience requirements equivalent
7 to those prescribed in the Act, provide for a board of
8 electrical examiners to conduct examinations for, and to issue,
9 suspend, or revoke, electricians' licenses within the city,
10 village, or incorporated town. Upon the enactment of such an
11 ordinance, the provisions of this Act shall not apply within
12 that municipality except as otherwise provided in this Act. Any
13 person licensed as an electrician under the local ordinance, or
14 licensed by the Department under this Act, shall meet the
15 requirements to perform electrical work anywhere in this State.

16 (h) Nothing in this Act shall be construed to prevent an
17 owner or operator of a farm or his or her employees from
18 installing, making additions to, altering, maintaining, or
19 repairing wiring, apparatus, or equipment for electric light,
20 heat, or power on the farm that he or she owns or operates.

21 (i) Employees of a manufacturing corporation that engage in
22 activities normally requiring licensure under this Act shall be
23 exempt when such activities are pursuant to the operation or
24 maintenance of its existing business and facilities. Persons
25 performing work subcontracted out to an electrical contractor
26 or other contractor, however, shall be in compliance with the
27 requirements of this Act.

28 (j) The minor repair of existing electrical systems does
29 not require licensure under this Act. For the purposes of this
30 subsection, "minor repair" means repairs to existing
31 electrical systems that do not require a permit to be issued
32 under any local ordinance.

33 (k) The provisions of this Act shall not apply to the
34 installation, replacement, service, or repair of household

1 products, including but not limited to audio and video
2 equipment, appliances, fans, garbage disposals, and garage
3 door openers by a business entity that may be engaged in the
4 retail sale of consumer products.

5 (l) Any person, firm, or company licensed under and
6 performing work in accordance with the Elevator Safety and
7 Regulation Act shall be exempt from this Act.

8 (m) Employees of a governmental unit that engage in
9 activities normally requiring licensure under this Act shall be
10 exempt when such activities are pursuant to their normal duties
11 in the operation or maintenance of its existing facilities.
12 Unless otherwise specified in this Act, a governmental unit
13 that is involved in new construction that results in the
14 expansion of its facilities must utilize licensed electricians
15 for any associated electrical work.

16 (n) Electrical engineers licensed under the Professional
17 Engineering Practice Act of 1989 practicing in accordance with
18 that Act shall be exempt from this Act.

19 (o) Architects licensed under the Illinois Architecture
20 Practice Act of 1989 practicing in accordance with that Act
21 shall be exempt from this Act.

22 (p) Any person, firm, corporation, or other legal entity
23 laying out, installing, maintaining, altering, or repairing
24 alarm, security, or communication systems and practicing in
25 accordance with the Private Detective, Private Alarm, Private
26 Security, and Locksmith Act of 2004 shall be exempt from this
27 Act.

28 (q) Nothing in this Act shall require or be construed to
29 apply to the registration or licensure of any community antenna
30 television system franchised pursuant to Illinois law, nor any
31 agent or employee of any such community antenna television
32 system in relation to the installation, alteration, removal,
33 repair, servicing, or maintenance of any community antenna
34 television system or equipment.

1 (r) Nothing in this Act shall prohibit a factory-authorized
2 representative from installing, altering, maintaining, or
3 servicing a medical equipment device. This exemption shall not
4 include work providing electrical feeds into the power
5 distribution unit or installation of conduits and raceways.
6 This exemption shall cover only those factory engineers or
7 third-party service companies with equivalent training who are
8 qualified to perform such service. For the purposes of this
9 Act, "medical equipment device" includes any "medical device"
10 as defined in the Medical Device Amendments of 1976, as
11 amended, and as interpreted by the Food and Drug Administration
12 of the United States Department of Health and Human Services or
13 its successor.

14 (s) Nothing in this Act shall require that a maintenance
15 worker performing routine maintenance of electrical systems be
16 licensed.

17 (t) The installation, alteration, maintenance, or
18 servicing of listed landscape lighting systems and equipment
19 shall be exempt from this Act, except any permanent wired
20 connections exceeding 30 volts.

21 (u) The provisions of this Act shall not apply to the
22 installation, alteration, replacement, service, or repair of
23 temporary outdoor decorative lighting that is connected by plug
24 into a permanent power source.

25 (v) Temporary electrical work for a transient event,
26 including but not limited to a carnival, circus, fair,
27 exhibition, stage production, motion picture production,
28 musical production, and theatrical production, shall be exempt
29 from this Act if the temporary electrical work is dismantled at
30 the conclusion of the event and is in compliance with all other
31 applicable State laws and ordinances and regulations of any
32 political subdivision.

33 Section 80. Display of license. Persons who advertise

1 electrical wiring services shall, at their place of business,
2 display the electrician's license of at least one member of the
3 firm, partnership or officer of the corporation and shall
4 maintain a register listing the names and license numbers of
5 all licensed electricians and all registered apprentices
6 currently employed by them. When advertising electrical wiring
7 services, the license number shall be included in all forms of
8 written or printed advertising and included with the electrical
9 wiring identification of vehicles. The Department may, by rule
10 or regulation, require additional information concerning
11 licensed electricians and registered apprentices to be
12 maintained in the register.

13 Section 85. Safety standards. All electrical work and
14 electrical wiring, apparatus, and equipment for electric
15 light, heat, or power within or on a building, residence,
16 structure, or real property shall comply with the Minimum
17 Electrical Code and all applicable rules adopted by the
18 Department. The Minimum Electrical Code and all applicable
19 rules adopted by the Department with respect to this Act shall
20 be based on the most recently published edition of the National
21 Electrical Code as adopted by the National Fire Protection
22 Association, Inc. and approved by the American National
23 Standards Institute, and the National Electrical Safety Code as
24 published by the Institute of Electrical and Electronics
25 Engineers, Inc. and approved by the American National Standards
26 Institute.

27 Nothing in this Act shall prohibit any political
28 subdivision from making and enforcing more stringent
29 requirements than those set forth in this Act and all licensed
30 electricians working within the jurisdiction of that political
31 subdivision shall comply with those requirements. Nothing in
32 this Act, however, shall be construed to give a political
33 subdivision the authority to apply its standards or

1 requirements to electrical work performed on a farm.

2 Section 90. Inspections.

3 (a) Except where any political subdivision has by ordinance
4 provided for electrical inspection similar to that provided in
5 this Act, every new electrical installation on and after
6 January 1, 2007 in any construction, remodeling, replacement,
7 or repair shall be inspected by the Department for compliance
8 with accepted standards of construction for safety to life and
9 property.

10 (b) No such inspections shall be required for electrical
11 work performed by persons exempt from licensure under Section
12 70 of this Act, except that inspections shall be required for
13 work performed under subsection (f) of Section 70.

14 (c) The Department may appoint or employ inspectors to be
15 employed on a full-time or part-time basis. All inspectors for
16 the Department shall hold a license as a journeyman electrician
17 or be certified to conduct electrical inspections by a
18 nationally recognized inspector certification program under
19 the rules adopted by the Department for the enforcement of this
20 Act. In areas of this State where a sufficient number of
21 licensed journeyman electricians or individuals certified to
22 conduct electrical inspections by a nationally recognized
23 inspector certification program under the rules adopted by the
24 Department for the enforcement of this Act are not available to
25 the Department to perform inspections under this Act, the
26 Department may designate other persons whom it determines to be
27 suitably qualified by training or experience.

28 Section 95. Procedures for inspection.

29 (a) At or before commencement of any installation required
30 to be inspected by the Department, the electrical contractor or
31 owner making the installation shall submit to the Department a
32 request for inspection, as provided under the rules adopted by

1 the Department for the enforcement of this Act, together with
2 the fees required for the installation. The Department, in
3 consultation with the Board, shall adopt rules regarding the
4 time period for conducting the requested inspections.

5 (b) The fees required are a handling fee and an inspection
6 fee. The handling fee shall be set by the Department in an
7 amount sufficient to pay the cost of bringing and handling the
8 form requesting an inspection. The inspection fee shall be set
9 by the Department in an amount sufficient to pay the actual
10 costs of the inspection and the Department's costs in
11 administering the inspection.

12 (c) If the inspector finds that the installation is not in
13 compliance with accepted standards of construction for safety
14 to life and property as required by this Act, the inspector
15 shall, by written order, condemn the installation or the
16 noncomplying portion of the installation, or order service to
17 the installation disconnected, and shall send a copy of the
18 order to the Department. If the installation or the
19 noncomplying part will seriously and proximately endanger
20 human life and property, the order of the inspector, when
21 approved by the inspector's superior, shall require immediate
22 condemnation or disconnection. In all other cases, the order of
23 the inspector shall permit a reasonable opportunity for the
24 installation to be brought into compliance with accepted
25 standards of construction for safety to life and property prior
26 to the effective time established for condemnation or
27 disconnection.

28 (d) Copies of each condemnation or disconnection order
29 shall be served personally or by mail upon the property owner,
30 the electrical contractor or electrician making the
31 installation, and other persons as the Department by rule may
32 direct. An aggrieved party may appeal any condemnation or
33 disconnection order by filing with the Department a notice of
34 appeal within 10 days after (i) service upon the aggrieved

1 party of the condemnation or disconnection order, if this
2 service is required or (ii) filing of the order with the
3 Department, whichever is later. The Department shall adopt
4 rules providing procedures for the conduct of appeals,
5 including provisions for the stay of enforcement of the order
6 of the inspector pending an appeal when justified by the
7 circumstances.

8 (e) The inspectors of the Department shall have the
9 authority to enter any building or premises at any reasonable
10 working hour in the discharge of their duties, and they shall
11 have the authority, when necessary, to order the removal of any
12 existing obstructions such as laths, plastering, boarding, or
13 partitions that may prevent a proper inspection of the
14 electrical installation.

15 (f) No electrical installation subject to inspection by the
16 Department shall be newly connected or reconnected for use
17 until there is filed, with the electrical utility supplying
18 power, a certificate of the property owner or licensed
19 electrician directing the work that inspection has been
20 requested and that the conditions of the installation are safe
21 for energization. In all cases where an order of condemnation
22 or disconnection has been issued against the installation or
23 any part of the installation, prior to connection or
24 reconnection, there shall also first be filed with the
25 electrical utility supplying the power a copy of an order of
26 the inspector or the Department dismissing the prior order of
27 condemnation or disconnection or approving the installation as
28 being in compliance with accepted standards of construction for
29 safety to life and property. With respect to transient projects
30 covered by this Act, this certificate shall also contain a
31 certification that the request for inspection has been or will
32 be filed with the Department so as to be received by it at
33 least 5 days prior to the date and time energization of the
34 installation by the utility is to occur, and that the request

1 for inspection states the date and time. It shall be the
2 responsibility of the Department to have inspection of the
3 transient project occur prior to the date and time at which the
4 request states energization is to occur.

5 (g) Any political subdivision may make provision for
6 inspection of electrical installations within its
7 jurisdiction, in which case it shall keep on file with the
8 Department copies of its current inspection ordinances and
9 codes. Any political subdivision may require any person holding
10 a license from the Department to pay any license, registration
11 fee, or permit fees. Any political subdivision may provide by
12 ordinance a requirement that each person doing electrical work
13 within the jurisdiction of the political subdivision have on
14 file with the political subdivision a copy of the current
15 license issued by the Department or other evidence of the
16 license as may be provided by the Department. Each electrical
17 inspector of any political subdivision shall hold a license as
18 a journeyman electrician or be certified to conduct electrical
19 inspections by a nationally recognized inspector certification
20 program under the rules adopted by the Department for the
21 enforcement of this Act. The political subdivision may appoint
22 or employ inspectors to be employed on a full-time or part-time
23 basis. An electrical inspector employed by a political
24 subdivision and engaged in the regulation and inspection of
25 electrical wiring activities regulated under this Act on
26 January 1, 2007 shall be permitted to conduct electrical
27 inspections for 2 years from the application date. Thereafter,
28 the inspector must meet all of the requirements of this Act.

29 Section 100. Violations.

30 (a) Any person violating any provision of this Act or its
31 rules shall be guilty of a Class B misdemeanor and fined a
32 minimum of \$100 for the first offense. A second or subsequent
33 violation of this Act shall be a Class A misdemeanor with a

1 minimum fine of \$200. Each day a violation continues
2 constitutes a separate offense. The State's Attorney of the
3 County in which the violation occurred or the Attorney General
4 may prosecute these actions in the name of the People of the
5 State of Illinois. The court may enjoin the use of electricity
6 installed in violation of this Act or its rules until it has
7 been corrected to comply with the National Electrical Code.

8 (b) If it is established that the defendant, contrary to
9 this Act, has been engaging, is engaging, or is about to engage
10 in electrical work without having been issued a license, or has
11 been engaging or is about to engage in electrical work after
12 his or her license has been suspended or revoked or after his
13 or her license has not been renewed, the Department may levy a
14 penalty not to exceed \$5,000 per offense. This penalty shall be
15 assessed by the Department after a hearing is held in
16 accordance with the provisions set forth in Section 50 of this
17 Act.

18 Section 110. Administrative Procedure Act; application.
19 The provisions of the Illinois Administrative Procedure Act are
20 expressly adopted and shall apply to all administrative rules
21 and procedures of the Department of Public Health under this
22 Act, except that Section 5-50 of the Illinois Administrative
23 Procedure Act relating to procedures for rulemaking does not
24 apply to the adoption of any rule required by federal law in
25 connection with which the Department is precluded by law from
26 exercising any discretion.

27 Section 115. Review under Administrative Review Law. All
28 final administrative decisions of the Director under this Act
29 shall be subject to judicial review under the Administrative
30 Review Law and its rules.

31 Section 120. Home rule. A home rule unit may not regulate

1 electricians and electrical contractors in a manner less
2 restrictive than the regulation by the State of electricians
3 and electrical contractors. This Section is a limitation under
4 subsection (i) of Section 6 of Article VII of the Illinois
5 Constitution on the concurrent exercise by home rule units of
6 powers and functions exercised by the State.

7 Section 900. The Regulatory Sunset Act is amended by adding
8 Section 4.25 as follows:

9 (5 ILCS 80/4.25 new)

10 Sec. 4.25. Act repealed on January 1, 2015. The following
11 Act is repealed on January 1, 2015:

12 The Electricians Licensing Act.

13 Section 905. The State Finance Act is amended by adding
14 Section 5.625 as follows:

15 (30 ILCS 105/5.625 new)

16 Sec. 5.625. The Electricians Licensing Dedicated Fund."